

Company name

Abstract

This diploma thesis analyzes the current legal regulation of company law and evaluates the quality of this regulation in terms of sufficiency and unambiguity. The thesis is divided into four main chapters. The first chapter contains an analysis of basic theoretical questions of company law - it specifies the concept and legal nature of the company, its basic functions and the basic principles of company law in the creation and use of the company. The second chapter deals with the analysis of ownership of the company, taking into account the new legal nature of the company name as a thing in the legal sense. The use of the so-called old firm and the analysis of § 427 is then contained in chapter three. The last chapter describes the protection of a company name according to the current legal regulation, including the analysis of specific claims arising from this protection. At the end of the thesis the results from the analysis and assessment of the legal regulation of company law are summarized. The evaluation takes into account the changes introduced by the new legal regulation contained in the Civil Code as compared to the original regulation in the Commercial Code. As a positive, the following issues are assessed: the change in the legal nature of a company name where the company is a thing in the legal sense and can thus be a separate subject of ownership and the possibility of transferring a company name separately and not only as a part of an enterprise or its part. As inadequate or ambiguous I consider the deletion of an express provision stipulating the obligation to act under his company name, the legal regulation of the priority principle - the definition of the concept of first use by law and the wording of Section 427 of the Civil Code. Based on the overall assessment, I consider the current company law legislation to be contradictory. On the one hand, it has made change for the better in many areas, while at the same time it has raised new problems caused by either inadequate or unclear regulation.

Key words: company name, company law, current legal regulation